



HF 2064 – Child Endangerment Resulting in Death (LSB5578YH.1)
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Fiscal Note Version – As amended by Senate Judiciary Committee amendment **S-5082**

Description

House File 2064, as amended by Senate Judiciary Committee amendment **S-5082**, addresses child endangerment resulting in the death of a child or minor.

Background

Currently, Iowa Code section **726.6(4)** states that a person convicted of committing child endangerment resulting in the death of a child or minor is guilty of a Class B felony and is required to be confined for no more than 50 years in prison. Prison time is mandatory and the offender becomes automatically eligible for parole.

This bill requires that anyone convicted of child endangerment resulting in the death of a child or minor serve a minimum of 70.0% of a 50-year Class B felony sentence. The average length of stay for a person convicted of child endangerment resulting in the death of a child or minor under current law is 55.4 months, or 4.6 years. This bill will make the minimum length of stay 420 months, or 35 years.

Also, currently Iowa Code section **902.12** requires a 70.0% minimum sentence be served before a person convicted of robbery in the second degree is eligible for parole or work release. The bill, as amended, will allow persons convicted of robbery in the second degree to be eligible for parole or work release if they have served between 30.0% and 70.0% of their sentence. This will become effective for individuals convicted after July 1, 2016.

Assumptions

- Charge, conviction, and sentencing patterns and trends will not change over the projection period.
- Revocation rates and other corrections policies and practices will not change over the projection period.
- The law will become effective July 1, 2016. There is a six-month lag between enactment of the bill and when the first case will come through the process.
- There will be two convictions subject to a 70.0% minimum sentence each year under Iowa Code section **726.6(4)** for child endangerment resulting in death.
- The first persons convicted under the 70.0% minimum for child endangerment resulting in death in FY 2017 will not fiscally impact the system until FY 2021.
- New admissions after July 1, 2016, for robbery in the second degree convictions will be released at a mid-point between 30.0% and 70.0% of their sentence. A decrease in the prison population will not occur until FY 2022.
- The marginal cost for an additional inmate at a Department of Corrections prison institution is \$18.43/day, or \$6,750 a year.

Minority Impact

For a minimum 70.0% sentence for child endangerment resulting in death, the minority impact is estimated to be minimal. In FY 2015, the only two individuals convicted under Iowa Code section **726.6(4)** were Caucasian.

The minority impact to change a 70.0% minimum sentence to a 30.0%-70.0% minimum sentence for robbery second degree will be favorable for the African-American community. It is estimated that the prison population will be reduced beginning in year six, and approximately 49.0% of those released earlier would be African American.

Refer to the Legislative Services Agency (LSA) [Minority Impact Statement Memo](#) dated January 26, 2016, for information related to minorities in the criminal justice system.

Correctional Impact

This bill does not create any new crimes. It will lengthen the sentence for convictions of the rare crime of child endangerment resulting in a death, and potentially shorten the sentence for a mandatory minimum 70.0% sentence for robbery in the second degree convictions. The correctional impact will not impact the cost to the corrections system until year five (FY 2021) for child endangerment resulting in death, and year six (FY 2022) for robbery in the second degree.

For additional information, refer to the LSA [Correctional Impact Statements Memo](#) dated February 18, 2016.

Fiscal Impact

The fiscal impact of this bill will begin in FY 2021. That is 4.6 years after an initial conviction of child endangerment resulting in death under this bill (and also accounts for a six-month lag between enactment of the bill and the first possible case), and two additional convictions will be experienced yearly thereafter. The effect of relaxing the minimum parole date for robbery in the second degree offenders will not be experienced until FY 2022. It is estimated that there will be 28 fewer inmates in the system in year six, 58 fewer inmates incarcerated in year seven, and 60 fewer inmates each year after that. The net fiscal impact by year is detailed in the table below.

Fiscal Year	Child Endangerment Additional Cost	Robbery Second Degree Savings	Net Cost (positive) or Savings (negative)
FY 2021	\$ 13,500	\$ 0	\$ 13,500
FY 2022	27,000	-189,000	-162,000
FY 2023	40,500	-391,500	-351,000
FY 2024	54,000	-405,000	-351,000
FY 2025	67,500	-405,000	-337,500
TOTAL ESTIMATE	\$ 202,500	\$ -1,390,500	\$ -1,188,000

Sources

Department of Corrections
 Department of Human Rights, Criminal and Juvenile Justice Planning Division
 Office of the State Court Administrator
 Office of the State Public Defender

/s/ Holly M. Lyons

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The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
